

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ENTERED**

June 06, 2017

David J. Bradley, Clerk

J&J SPORTS PRODUCTION, INC.,

Plaintiff,

VS.

JONESCOP, INC, *et al.*,

Defendants.

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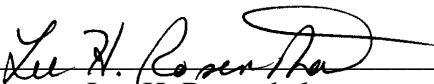
CIVIL ACTION NO. H-15-1172

**ORDER**

The defendants' pretrial statement notes that the defendants intend to prove that Jonescorp ordered the pay-per-view fights in issue from Dish Network. In light of this defense, the parties should come prepared to discuss the Fifth Circuit's opinion in *J&J Sports Prods., Inc. v. Mandell Family Ventures, L.L.C.*, 751 F.3d 346 (5th Cir. 2014), and this court's opinion in *J&J Sports Prods., Inc. v. Tepatitlan Mexican Kitchen, Inc.*, No. CV H-15-2666, 2016 WL 8710461 (S.D. Tex. Oct. 21, 2016). (Copies of both opinions are attached to this order.)

Specifically, the parties should be prepared to discuss *Mandell's* holding that a defendant under § 553 can prevail by showing that he or she had the permission of the cable operator, rather than the permission of the license-owner. In *Tepatitlan*, this court explained why *Mandell's* holding logically extends to claims under § 605. The issue is whether the defendants had permission from the "sender" of the satellite transmission, not whether it had permission from the license-owner. The parties should come prepared to discuss these cases and tailor their presentations to the legal rule they establish.

SIGNED on June 6, 2017, at Houston, Texas.

  
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Lee H. Rosenthal  
Chief United States District Judge